

Appl. No. 09/890,775
Amdt. dated February 5, 2004
Reply to Office Action of November 5, 2003

REMARKS/ARGUMENT

This amendment responds to the Office Action of November 5, 2003.

Claims 74-78 and 80-96 are pending in the application with claims 1-73 and 79 having been canceled, claims 74 and 75 having been amended, and new claims 80-96 added.

Claims 74-78 have been allowed.

Claim 74, although allowed, has been amended to correct an obvious error. In the claim, prior to the present amendment, A was defined as including the moieties hydroxy, halogen, cyano, acyl, alkoxy, haloalkoxy and alkylthio. Those skilled in the art will recognize, however, that these moieties are all monofunctional and that, as is clear from the structural formula of the claim, A must be attached to both the phenyl ring and R⁶. The moieties, hydroxy, halogen, cyano, acyl, alkoxy, haloalkoxy and alkylthio, should have been included in the definition of R⁷, as is clear from the specification at page 4, line 30 to page 5, line 3, as well as from claim 20 of the application as originally filed.

Claim 75, although allowed, has been amended to insert the word "and" prior to the final member of one of the Markush groups.

In the Office Action, the Examiner stated:

"Compounds and composition of formula I of claim 74-78 is elected, which are examined and are allowable. The closest prior art in U S Patent 3,284,289. Prior art does not teach the substituents as presently claimed. Applicants may add method of

Appl. No. 09/890,775
Amdt. dated February 5, 2004
Reply to Office Action of November 5, 2003

use claims of the allowed genus of the compound of formula. Non-
elected invention should be canceled."

By the present amendment, Applicants have added new claims 80-96, which are method of
use claims of the allowed genus, and have canceled all claims to the non-elected invention.

In view of the foregoing, it is submitted that this application is in condition for allowance
and an early Office Action to that end is earnestly solicited.

Respectfully submitted,



Paul Grandinetti
Registration No. 30,754
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone (212) 382-0700